IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3214 OF 2004

M/s.Lallubhai Amichand Ltd. & Anr....PETITIONERS

Versus

The Brihan Mumbai Municipal Corporation
& Ors. ...RESPONDENTS

Mr.Shyam Diwan with Mr. Ashwin Thakkar i/b. Thakkar & Co.,
for the Petitioners

Mrs. A.R. Joshi, for the Respodnents.

CORAM: F.I. REBELLO J.
DATE : 10th December, 2004

P.C.:

. Rule. Heard forthwith.

2. The respondents have served on the petitioners notices being Exhibit B-1 to B-43 being demand for ratable value for the premises for the period from 2002 to 2004 in a sum of Rs.25,78,565/-. By the present petition, apart from various reliefs, petitioners have sought to challenge the implementation and enforcement of the notices considering the complaint filed by the petitioners and which is pending with the Respondents. Relief has also been prayed for to direct the respondents to grant N.O.C. for submitting the same to SRA in respect of the property admeasuring 78,436 sq. mts., bearing CTS No.2B/4A and 2B/1 of Village Mankhurd and CTS No.4A of village Deonar at Chembur, Mumbai. On behalf of the respondents learned Counsel makes a statement that hearing of the complaint is scheduled on 16th December, 2004.

3. Having heard parties to my mind the ends of justice will be met if the following order is passed:-

(i) The petitioners, without prejudice to their rights, and contentions, to deposit with the respondents a sum of Rs.25,78,565/- within one week from today. On such deposit the petition will be made absolute in terms of prayer clause (b)(ii). N.O.C. to be issued within seven days of the deposit.

(ii) The respondents to complete the hearing on the complaint as expeditiously as possible.

(iii) The Respondents to file an undertaking in this Court within two weeks from today that in the event they have to refund any part of the amount deposited subsequent to the hearing and disposal of the complaint they will refund the balance amount to the petitioners within fifteen days of the order being passed by the Competent Authority.

(iv) Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO, J.)